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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,485	12/30/2003	Jon Arthur Roepke	9D-HL-25191	8742

7590 01/19/2007  
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EXAMINER
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RIGGLEMAN, JASON PAUL

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/748,485

Applicant(s)

ROEPKE ET AL.

Examiner

Jason P. Rigglesman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/30/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I, claims 1-12, drawn to an apparatus, in the reply filed on 12/19/2006 is acknowledged. The traversal is on the ground(s) that examination would not pose a serious burden to the examiner. This is not found persuasive because In accordance with MPEP §803: "For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant." In the instant case, the Examiner has provided a *prima facie* showing of separate classification and different field of search as shown in the Restriction Requirement. What is deemed reasonable is determined on a case-by-case basis. When two patentably distinct inventions are claimed then two mutually exclusive searches are required which poses an unreasonable burden on the examiner in this case. Applicant's allegations of coextensive search and no "serious burden" include no appropriate showings or evidence and, therefore, are not persuasive. Accordingly, the restriction is considered proper in accordance with MPEP §803.

The requirement is still deemed proper and is therefore made FINAL.

***Remarks***

2. For purposes of examination, "top cover" in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant's specification, paragraph [0022], Fig. 3.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-9, and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Vona, Jr. et al. (US Patent No. 4205540).
5. Vona, Jr. et al. teaches an additive dispensing system 60 for a washing machine 10 including a tub 26, for holding wash liquid, and a basket 28, for holding articles to be washed. The additive dispensing system 60 includes a top cover 15; a reservoir 62 removably coupled to the top cover 15 -- by means of threaded fastening members (Column 2, Lines 65-70); a water valve 115 (solenoid valve) coupled to reservoir 62; and a controller 14 coupled to the water valve 115 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 4, Lines 5-26). A siphon-type tubular conduit 110 is coupled to reservoir 62 and delivers an additive to the washing machine tub 26 (outer washer laundering container)(Column 3, Lines 40-46) between the basket 28 and the tub 26. The top cover 15 includes an opening 64

(top fill opening) which is in fluid communication with the reservoir 62 for introducing additive into the reservoir 62 (Column 2, Lines 51-60).

6. Claims 1-3, 5-9, and 11-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Vona, Jr. et al. (US Patent No. 4160367).

7. Vona, Jr. et al. teaches an additive dispensing system 60 for a washing machine 10 including a tub 26, for holding wash liquid, and a basket 28, for holding articles to be washed. The additive dispensing system 60 includes a top cover 12, a reservoir 62 removably coupled to the top cover 12 -- by means of threaded fastening members (Column 2, Lines 60-70); a water valve 150 (solenoid valve) coupled to reservoir 62; and a controller 156 coupled to the water valve 150 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 5, Lines 49-70). A siphon-type tubular conduit 78 is coupled to reservoir 62 and delivers an additive to the washing machine tub 26 (water container)(Column 3, Lines 3-19) between the basket 28 and the tub 26. The reservoir 62 includes an overflow port 82 (notched-out weir portion)(Column 3, Lines 30-38). The top cover 12 includes an opening 64 (elongated fill opening) which is in fluid communication with the reservoir 62 for introducing additive into the reservoir 62 (Column 2, Lines 51-60).

8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Morimasa et al. (Japanese Application Publication No. 08-206390).

9. Morimasa et al. teaches an additive dispensing system 22 for a washing machine including a tub 4, for holding wash liquid, and a basket 7, for holding articles to be

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washed. The additive dispensing system 22 includes a top cover 18, a reservoir 26 removably coupled to the top cover 18 – Figs. 1-2, a water valve 31 (feed valve) coupled to reservoir 26; and a controller 21 coupled to the water valve 31 (feed valve) and configured to control the water valve to introduce water into the reservoir 26 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (paragraph [0034]). A siphon-type tubular conduit 59-60 is coupled to reservoir 26 and delivers an additive to the washing machine tub 4, (paragraph [0020]), between the basket 7 and the tub 4. The reservoir 26 includes an overflow port 55. The top cover 18 includes an opening, Fig. 6, which is in fluid communication with the reservoir 26 for introducing additive into the reservoir 26. The reservoir 26 includes a removable cover 57 coupled to top cover 18 and the conduit 59-60 is a siphon tube, Fig. 1, coupled to removable cover 57.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eichmann et al. (US Patent No. 4700554) and Platt et al. (US Patent No. 4467627) teach siphon-type dispensing units, and Herman-Latack et al. (US Patent No. 5875655) teaches an overflow dam in a dispenser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman  
Examiner  
Art Unit 1746

JPR



**MICHAEL BARR**  
SUPERVISORY PATENT EXAMINER